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TO RUEHC/SECSTATE WASHDC 4521
INFO RUEKJCS/SECDEF WASHDC
RHMFIUU/HQ USCENCOM MACDILL AFB FL
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DEPT FOR PM/SNA, L/PM, AF/RSA, AF/E
ANTANANARIVO FOR DAO
NAIROBI FOR KUSLO
OSD FOR MCMANUS, WAGER, AHMED, COLLINS, REID

E.O. 12958: N/A
TAGS: [MARR](#) [PREL](#) [MASS](#) [MOPS](#) [SE](#) [MP](#)
SUBJECT: SEYCHELLES SUBMITS A SECOND SOFA COUNTERPROPOSAL

REFTEL: A. PORT LOUIS 570
 1B. PORT LOUIS 642
 1C. PORT LOUIS 134
 1D. Blaser 4/23 e-mail to Beyzerov and Hamilton

11. (U) THIS IS AN ACTION REQUEST. See paragraph 8.

12. (SBU) SUMMARY: Post has received Seychelles' proposed changes to the Washington-approved SOFA text submitted to the GOS in October 12008. The main concerns of the GOS revolve around ceding criminal jurisdiction, exemptions from inspections, and loss of revenue. Post requests an expedited response to the GOS counterproposal (already scanned and sent separately to AF/E via UNCLAS email). If the GOS counterproposal is not acceptable, Post would view favorably Washington sending a SOFA negotiator or delegation to help in the final negotiation of this agreement. END SUMMARY.

13. (SBU) On April 23, after a heavy campaign of demarches on multiple levels, Post received, via diplomatic note, Seychelles' proposed changes to the Washington-approved Status of Forces Agreement (SOFA) text submitted to GOS in October 2008. The second GOS SOFA counterproposal outlines GOS concerns in six points. The first point attempts to limit the immunity and privileges of U.S. personnel to mutually agreed training, exercises, and humanitarian activities. The diplomatic note further states that personnel who commit offenses outside these activities will be held accountable and liable for prosecution.

14. (SBU) The second point takes issue with "total immunity from local criminal jurisdiction" as outlined in Article 4 of the SOFA. As with the first point, the GOS seeks to limit clauses in this article to training and other mutually agreed exercises.

15. (SBU) The third and fourth points clarify Seychelles' issues with exemption from inspection of imports. This point stipulates that personal effects will be exempted from inspection but should not contain any items prohibited by Seychelles laws and that boarding and inspection of vessels will be exempted, except in case of the presumed presence of items prohibited by Seychelles laws. Both points again attempt to limit the scope of exemption clauses to "mutually agreed training, exercises, and humanitarian activities."

16. (SBU) In regard to tax and tariff concerns or what the note refers to as the "compensation regime" of Article 11, the GOS agrees to this but adds a caveat in the form of the following clause: "provided there is no abuse of the privileges granted."

17. (SBU) The GOS consents to the conditions listed under

Communications Article 10, given that they do not infringe on the Right to Privacy (as per the constitution of the Seychelles) of Seychelles citizens.

18. (SBU) Action Request: Post requests that Washington stakeholders perform a timely review of the GOS-proposed revisions. Should the USG legal teams not concur with the GOS proposed revisions, Post would view favorably Washington sending a SOFA negotiator or delegation to help in the final negotiation of this agreement, now pending for nearly a decade. This SOFA negotiator or delegation would also be of value to assist in moving forward SOFA negotiations with the Government of Mauritius. Obtaining a SOFA in both countries is a critical element of Mission MSP, in part because of the importance of protecting the tens of thousands of U.S. military personnel who travel into these two countries every year.

BLASER